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FILED

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BOARD OF PHARMACY

STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION
 OR REVOCATION OF THE LICENSE OF

Administrative Action

ROBERT PHILIP FAZZINI, JR.

28RI02086700

TO PRACTICE PHARMACY IN THE
 STATE OF NEW JERSEY

CONSENT ORDER

and

WHITE'S PHARMACY

28RS00423400

TO OPERATE A PHARMACY IN THE
 STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of numerous consumer complaints, to wit, in excess of twenty complaints, a portion of which were in writing and others by telephonic contact to the Executive Director of the Board. The complaints received by the Board were from frustrated parents who had relied on White's Pharmacy to ensure that the

medically necessary medications for their children were correctly and timely administered at the overnight camp. The substance of these complaints was that White's Pharmacy had entered into an agreement with numerous overnight camps to dispense all prescriptions that were timely forwarded to White's by the parent(s) of the campers and dispatch the dispensed prescriptions to the camps for administration at the camp by a health care practitioner. Parents were instructed by the various camps to timely register with White's if they wished to participate in the prescription service and contemporaneously mail all prescriptions written for the camper to White's. When notified by the camp or their child that, in fact, the correct medication had not been received or that the medication had not been delivered at all, these parents attempted to contact White's without success. Their frustration was clear in the text and urgency of their written and telephone complaints to the Executive Director of the Board of Pharmacy.

On December 12, 2007, Robert Philip Fazzini, Jr, owner and registered pharmacist in charge of White's Pharmacy, appeared before the Board, with counsel, and testified under oath in response to Board member inquiries regarding the specifics of White's procedures when dispensing the participating campers' prescriptions. Mr. Fazzini claimed that many of the campers did not register in a timely fashion; that he originally intended to

rely upon an automated medication system he acquired earlier in 2007 to handle the anticipated voluminous additional dispensing, but this system failed to operate correctly, and he abandoned use of the automated medication system one week before most camps commenced; and that sufficient personnel were hired to accommodate the anticipated additional dispensing needs.

Mr. Fazzini further testified that on at least one occasion one pharmacist supervised more than two pharmacist technicians. Mr. Fazzini stated that deliveries to the camps were not made until the complete order was filled, causing delay to certain of the campers. Mr. Fazzini represented that five retail pharmacies local to the camps had been notified to dispense to the camps offering the dispensing service, should White's dispensing activity result in a delay.

Mr. Fazzini testified that the anticipated prescriptions associated with the summer camps quadrupled the number of prescriptions routinely dispensed by White's Pharmacy. White's Pharmacy filled approximately 6,000 prescriptions in connection with the 2007 summer camp program.

The Board finds that respondents' conduct was violative of the following statutes and regulations governing the practice of pharmacy: N.J.S.A. 45:1-21 (b) false promise, (c) gross negligence endangering the health of others, (d) repeated acts of negligence and (e), professional misconduct; N.J.A.C. 13:39-4.17 - permit

holders responsible for all pharmacy violations; N.J.A.C. 13:39-6.2(f)1 and 3 - adequate staffing and policies in place; and N.J.A.C. 13:39-6.5 and 6.15(e) - exceeding the ratio of pharmacists to technicians.

Respondent, without admitting to the aforementioned conduct and without admitting to the truth of the allegations, but in the interest of an amicable resolution, and the parties having agreed and consented to the resolution of this matter without the necessity of the Board conducting formal proceedings, and respondent understanding the terms and the impact of the within Order, having waived the right to a formal hearing, and for other good cause shown;

ACCORDINGLY, IT IS ON THIS 19th DAY OF NOVEMBER, 2008,
ORDERED AND AGREED:

1. That the license of Robert Philip Fazzini, Jr. to practice pharmacy in the State of New Jersey shall be suspended for a period of one (1) year from the date of the entry of this Order.
All of said suspension shall be stayed.

2. Robert Philip Fazzini, Jr., doing business at White's Pharmacy, shall pay a civil penalty of \$10,000.00 to the New Jersey Board of Pharmacy and costs of investigation in the amount of \$671.50, with a total amount due of \$10,671.50. Payment shall be made in monthly installments at the rate of no less than \$1000.00 each month, due on the first day of each month commencing December 1, 2008. Interest shall accrue in accordance with R. 4:42-11(a).

Payment shall be made by check or money order made payable to the Treasurer, State of New Jersey and mailed to the attention of Joanne Boyer, Executive Director, New Jersey State Board of Pharmacy, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. Failure to make payments within said time shall result in the filing of a Certificate of Debt pursuant to N.J.S.A. 45:1-24.

3. Robert P. Fazzini, Jr. and White's Pharmacy shall not engage in providing prescription services to overnight camps without prior approval of the Board.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. McGinley, R.Ph.
President

I have read the within Order and understand its terms. I agree to be bound by its terms and hereby consent to its entry by the New Jersey Board of Pharmacy.

Robert P. Fazzini, Jr.
Robert P. Fazzini, Jr.,
President/Owner and
Registered Pharmacist in Charge
White's Pharmacy

Consent as to form and entry.

Anthony Iacullo, Esq.
Anthony Iacullo, Esq.,
Counsel for respondent.